

REMARKS

By this Reply, Applicants amend claims 1, 3, 14, 22, 23, 48, 49, 96, 120, 121, 128, 137, 155-159, and 180 and cancel claims 2, 13, 21, 47, 109, 119, 127, and 138. Accordingly, claims 1, 3-12, 14-20, 22-46, 48-108, 110-118, 120-126, 128-137, and 139-180 are pending in this application. No new matter is added by this Reply.

Applicants gratefully acknowledge the Examiner's allowance of claims 54-95, 129-136, 163-168, and 169-179 in the Office Action dated April 14, 2006. Applicants further appreciate the Examiner's indication that objected to claims 2, 3, 13, 14, 21-30, 47-53, 109, 119, 120, 127, 128, 138, 150, 152, 153, and 158-160 would be allowable if rewritten in independent form including all of the limitations of the rejected base claim and any intervening claims.

In the Office Action, the Examiner also rejected claims 1, 31, 32, 34-36, 38-42, 96, 101-104, 106, 155, 157, 161, 162, and 180 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,845,267 to Harrison et al. (Harrison); and rejected claims 4-12, 15-20, 33, 37, 43-46, 97-100, 105, 107, 108, 110-118, 121-126, 137, 139-149, 151, and 154 under 35 U.S.C. § 103(a) as being unpatentable over Harrison.

While Applicants disagree with the §§ 102(e) and 103(a) rejections, in order to expedite the prosecution of this application and the allowance of all pending claims, Applicants have amended claims 1, 3, 22, 23, 48, 49, 96, 120, 121, 128, 137, 155-159, and 180. These claim amendments, along with the Examiner's indication that claims 2, 3, 13, 14, 21-30, 47-53, 109, 119, 120, 127, 128, 138, 150, 152, 153, and 158-160 contain allowable subject matter, render all of the rejected and objected to claims allowable. Thus, the Examiner's claim objections and §§ 102(e) and 103(a) rejections are now moot.

The Examiner rejected claim 1 under § 102(e) over Harrison, but noted that claim 2 contains allowable subject matter. Claim 1 has been amended to recite a "stent-like structure," which was the subject matter of allowable claim 2. Accordingly, amended claim 1 is allowable. Thus, claims 3-12, 14-20, 22, 31-46, and 48 are allowable at least due to their dependence from allowable claim 1.

Claims 23 and 49 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the rejected base claims. By this Reply, claims 23 and 49 have been amended to include the limitations of their respective base claims. Accordingly, claims 23 and 49 are allowable. Thus, claims 24-30 and claims 50-53 are allowable at least due to their dependence from allowable claims 23 and 49.

The Examiner also rejected claim 96 under § 102(e) over Harrison. In support of this rejection, the Examiner contends that Harrison "teaches a structure which can be placed in a vessel of a biosystem." (Office Action at 2.) Harrison, however, fails to teach or disclose a stent-like structure, which the Examiner has conceded, based on the indication that claim 2, reciting a similar limitation, is allowable. By this Reply, claim 96 has been amended to further recite a "stent-like structure." Accordingly, amended claim 96 is allowable. Thus, claims 97-108, 110-118, and 120 are allowable at least due to their dependence from allowable claim 96.

The Examiner rejected claim 121 under § 103(a) over Harrison. Claim 121 has also been amended to recite a "stent-like structure." Thus, as discussed above, amended claim 121 is allowable. Accordingly, claims 122-126 and 128 are allowable at least due to their dependence from allowable claim 121.

The Examiner also rejected claim 137 under § 103(a) over Harrison, but noted that claim 138 contains allowable subject matter. Claim 137 has been amended to recite “said device including a stent,” which was the subject matter of allowable claim 138. Accordingly, amended claim 137 is allowable. Thus, claims 139-154 are allowable at least due to their dependence from allowable claim 137.

Claims 155-157 were rejected under § 102(e) over Harrison. Applicants have amended claims 155 and 156 to recite a “stent-like structure.” Claim 157 has been amended to recite “a stent-like support structure.” As discussed above, Harrison fails to teach or disclose a stent-like structure. Accordingly, for at least this reason, amended claims 155-157 are allowable. Thus, claims 161 and 162 are allowable at least due to their dependence from allowable claim 157.

Claims 158 and 159 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the rejected base claims. By this Reply, claims 158 and 159 have been amended to include the limitations of previously-presented claim 157. Accordingly, amended claims 158 and 159 are allowable. Thus, claim 160 is allowable at least due to its dependence from allowable amended claim 158.

The Examiner also rejected claim 180 under § 102(e) over Harrison. By this Reply, Applicants have amended claim 180 to further recite “said implantable stimulation device including a stent-like structure.” As discussed above, Harrison fails to teach or disclose a stent-like structure and the Examiner has conceded this point. Accordingly, for at least this reason, amended claim 180 is allowable.

Therefore, Applicants respectfully request that the Examiner withdraw the pending rejection of claims 1, 4-12, 15-20, 31-46, 96-108, 110-118, 121-126, 137, 139-149, 151, 154, 155, 157, 161, 162, and 180 and the pending objection to claims 2, 3, 13, 14, 21-30, 47-53, 109, 119, 120, 127, 128, 138, 150, 152, 153, and 158-160. Moreover, Applicants respectfully request the allowance of all pending claims.

In view of the above amendments, Applicants assert that the entire application is now in condition for allowance. A timely notice of allowance is earnestly requested.


The Examiner is invited to telephone the undersigned at (202) 408-4387, should the Examiner foresee any impediment to allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Aaron L. Parker
Reg. No. 50,785